UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

CHAMBERS OF MICHAEL A. SHIPP UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING COURTHOUSE 50 WALNUT ST. ROOM 2042 NEWARK, NJ 07102 973-645-3827

Not for Publication

REPORT AND RECOMMENDATION

December 12, 2011

VIA CM/ECF

All counsel of record

Re: Armur Realty, LLC et al. v. Banco do Brasil

Civil Action No. 09-2792 (SRC)

Dear Counsel:

This matter comes before the Court on a Motion for the Award of Counsel Fees and Costs on Behalf of Defendant and Counterclaimant Banco do Brasil, S.A. ("Banco" or "Defendant") against Plaintiffs Armur Realty, LLC, 3 Walls Realty, LLC, Carlos Fonseca, and Maria Victoria Fonseca (collectively referred to herein as "Plaintiffs") (Plaintiffs and Defendant collectively referred to as the "Parties"). (Docket Entry Number ("Doc. No.") 64 ("Def.'s Application").) This Report and Recommendation ("R&R") is issued pursuant to 28 U.S.C. § 636(b)(1)(B). For the reasons set forth below, the Undersigned recommends that the Court award Defendant \$272.560.43.

I. <u>FACTUAL BACKGROUND</u>

This matter arises from a lease agreement signed by the Parties on June 27, 2008 for the establishment of a Banco do Brasil retail bank branch operation in Newark, New Jersey. (Doc.

No. 1, Ex. A, Complaint ("Compl.") ¶ 40.) The lease agreement provides that "[i]f either party brings an action to enforce the terms hereof or declare rights hereunder, the prevailing party in any such action, on trial or appeal, shall be entitled to his reasonable attorneys' fees to be paid by the losing party as fixed by the court." (Doc. No. 1, Ex. B ("Lease Agreement") ¶ 24.10.) On April 5, 2011, the Honorable Stanley R. Chesler, U.S.D.J. ("Judge Chesler"), granted Defendant's summary judgment motion and awarded Defendant attorneys' fees. (Doc. No. 63.) Pursuant to Judge Chesler's Order, Defendant submitted the Declaration of Paul H. Schafhauser, Esq. in Support of its Motion for the Award of Counsel Fees and Costs (Doc. No. 64-1 ("Schafhauser Decl.")), claiming \$512,631.22 in attorneys' fees and disbursements. Judge Chesler referred the motion to the Undersigned for a R&R regarding the proper amount of attorneys' fees to be awarded. On September 8, 2011, the Court held an in-person status conference regarding the Motion for the Award of Counsel Fees and Costs.

Counsel for Defendant provided the following summary of its work in the present matter:

In sum, Counsel (i) conferred with each other and Banco do Brasil, (ii) reviewed the Lease and its terms in detail (including the defendant's right to terminate the Lease and right to seek attorneys' fees for actions involving the Lease), (iii) reviewed the complaint, (iv) prepared and served an answer after effecting a removal of the complaint to this Court, (v) participated in extensive document production amounting to thousands of pages of Bates Stamped documentation in the record, (vi) conducted and defended eleven depositions of witnesses, several of which were full day depositions, and (vii) engaged in several stages of motion practice. The difficulties of defending Banco do Brasil in this action stemmed in large part from the amount of time required in litigation prior to Banco do Brasil being allowed to move for summary judgment in its favor.

(Schafhauser Decl. ¶ 14.)

¹ By correspondence dated September 12, 2011, Defendant reduced its attorneys' fees request to \$497,508.80 in light of the Court's concerns regarding the reasonableness of counsel fees in this matter. As this reduction is *de minimus*, the overall analysis provided within the R&R reflects the original \$512,631.22 billed by counsel.

Approximately twenty six individuals, including attorneys, paralegals, legal assistants and a librarian from two firms, billed in this matter. However, Peter D. Aufrichtig, Esq. ("PDA"), a partner with McCarthy Fingar LLP ("McCarthy Fingar"), Jonathan Engle ("JTE"), a former associate at McCarthy Fingar, Paul H. Schafhauser ("PHS"), a partner with Herrick Feinstein LLP ("Herrick Feinstein"), and Michael O'Malley ("MO"), an associate with Herrick Feinstein, billed the vast majority of the attorneys' fees in this matter. Messrs. Aufrichtig, Engle, Schafhauser and O'Malley billed 582, 281.75, 117.8 and 221.4 hours, respectively. (Schafhauser Decl. ¶ 27.)

Defendant provided the following biographical summaries of counsel involved in the matter:

Peter D. Aufrichtig (B.S. in electrical engineering, Cornell University, 1980; J.D. with distinction, Hofstra University School of Law, 1983) is admitted to practice in New York, New Jersey and Maryland, as well the United States Patent and Trademark Office. Peter Aufrichtig is a partner with the McCarthy Fingar LLP's General Litigation, Commercial Lending and Intellectual Property Law Groups. He is involved in many aspects of general civil litigation, including real estate related litigation with which he has been involved for more than 25 years.

(Schafhauser Decl. ¶ 18.)

Jonathan Engle was an associate with the firm [McCarthy Fingar] who was extensively involved in connection with the document production discovery and the deposition phases of the litigation.

(*Id.*)

Paul H. Schafhauser (B.S. University of Pennsylvania, the Wharton School, 1987; J.D., Boston University School of Law, 1993) is admitted to practice in New York and New Jersey, as well as the United States District Court for the District of New Jersey, the United States Court of Appeals for the Third Circuit and the United States District Court for the Southern District of New York. Paul Schafhauser is a partner with Herrick whose practice focuses on complex commercial and real estate litigation.

(*Id.*)

Michael J. O'Malley (B.A., *cum laude*, Vanderbilt University, 2003; J.D. the George Washington University Law School, 2009) is admitted to practice in New York and New Jersey as well as the United Stated [sic] District Court for the District of New Jersey. Mr. O'Malley is an associate in Herrick's litigation department and focuses on commercial litigation.

(*Id.*)

Defendant argues that its fee request is reasonable in light of the extensive litigation that ensued in defending Banco against Plaintiffs' claims. (Doc. No. 67 ("Def.'s Supp. Br.").)

Defendant also notes the following in support of its fee application:

- The litigation was prosecuted in a "ferocious and confrontational manner by Plaintiffs."
- Defendant's summary judgment motion was granted in its entirety by the Court.
- The level of activity billed by the two firms was in line with Plaintiffs' escalating settlement demands.
- The Court determined that the discovery process should not be short-circuited by an early summary judgment motion and permitted the Parties to engage in discovery regarding all of Plaintiffs' claims and defenses. Had Defendant not been required to participate in discovery, its fees would have been substantially lower.
- "It would have been professional malpractice for us to have done little or no work on this Federal case based on an assumption that the Court would ultimately rule as we had hoped at the outset."
- Attorney's fees increased as a result of the "saga" surrounding the motions to withdraw filed by Plaintiffs' counsel.
- The joint representation by two firms was "fully proper and appropriate" because Banco's
 relevant personnel were based in New York, and McCarthy Fingar had developed a close
 relationship with the client while local counsel was more familiar with local customs and
 practices and New Jersey law on the matters in dispute.

(*Id.* at 5-8.)

Plaintiffs filed correspondence related to Defendant's application on September 8, 2011, which noted that the legal fees must be reasonable. (Doc. No. 66.) After careful consideration, the

Undersigned recommends that the Court reduce the attorneys' fees requested by Defendant as provided below.

II. <u>LEGAL STANDARD AND ANALYSIS</u>

The consideration of attorneys' fees is a matter for the "informed judgment of the district court." *Lieb v. Topstone Indus., Inc.*, 788 F.2d 151, 158 (3d Cir. 1986). "[I]n finding counsel fees under a contract . . . [a court's] duty under New Jersey law goes beyond checking the record for statistical evidence of the number of hours a firm worked on a case, its hourly rate, and the bill it sent its client." *Coleco Indus., Inc. v. Berman*, 423 F. Supp. 275, 318-19 (E.D. Pa. 1976) *aff'd in part, remanded in part*, 567 F.2d 569 (3d Cir. 1977) (remanded on separate grounds). A reasonable attorney's fee is one that is "adequate to attract competent counsel, but which does not provide a windfall to attorneys." *Pub. Interest Research Grp. of N.J., Inc. v. Windall*, 51 F.3d 1179, 1185 (3d Cir. 1995) (internal citation and quotation omitted).

"The first step in the fee-setting process is for the judge to calculate the 'lodestar:' the number of hours *reasonably* expended multiplied by a *reasonable* hourly rate." *Saffos v. Avaya Inc.*, 16 A.3d 1076, 1092 (N.J. Super. Ct. App. Div. 2011) (emphasis added) (internal citation and quotations omitted). In doing so, "[t]rial court[]s should not accept passively the submissions of counsel to support the lodestar amount[.]" *Id.* (alterations in original). Rather, the Court must conduct its own inquiry as to "whether the number of hours of work claimed is reasonable, and whether the hourly rate sought is reasonable." *R.M. v. Supreme Court of N.J.*, 918 A.2d 7, 12 (N.J. 2007).

In determining an award of reasonable attorneys' fees, "[t]he district court should review the time charged, decide whether the hours set out were reasonably expended for each of the particular purposes described and then exclude those that are excessive, redundant, or otherwise

unnecessary." *Pub. Interest Research Grp.*, 51 F.3d at 1188 (internal citations and quotations omitted). "[W]here one attorney at a hearing would suffice, fees for additional attorneys at the hearing should be denied as excessive." *Muller-Moreno v. Malouf*, No. L-4464-02, 2009 WL 1361699, at *4 (N.J. Super. Ct. App. Div. May 18, 2009) (internal citations omitted). The Court may also "deduct hours when the fee petition inadequately documents the hours claimed." *Rode v. Dellarciprete*, 892 F.2d 1177, 1183 (3d Cir. 1990) (citing *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983)). Furthermore, "the higher the allowed hourly rate commanded based upon skill and experience, the shorter the time it should require an attorney to perform a particular task." *P.N. v. Clementon Bd. of Ed.*, No. 02-1351, 2007 WL 1186552, at *2 (D.N.J. Apr. 20, 2007) (internal citation and quotation omitted). When deciding "whether the fee request is excessive . . . the court will inevitably engage in a fair amount of 'judgment calling' based upon its experience with the case and the general experience as to how much a case requires." *Weed-Schertzer v. Nudelman, Klemm & Golub*, No. 10-6402, 2011 WL 4436553, at *3 (D.N.J. Sept. 23, 2011) (citing *Evans v. Port Auth. of N.Y. & N.J.*, 273 F.3d 346, 362 (3d Cir. 2001)).

The Undersigned finds that the attorneys' fees requested by Defendant are excessive. Preliminarily, it should be noted that the Undersigned finds that the hourly rates charged were in accordance with the prevailing market rates in the community. However, the Court finds that the number of hours billed was not reasonable. The Undersigned does not find that this case was so complex or the issues so novel as to require the collective efforts of numerous attorneys from two law firms, who regularly billed for the same or similar work, and for intra- and inter-firm correspondence. The lack of novelty in the present matter is demonstrated by a review of the Court's docket, which consists of 67 numbered entries² and twenty-one non-numbered entries.

² See Exhibit A.

The twenty-one non-numbered entries consist of: (a) one Clerk's entry of default; (b) one Clerk's quality control message; (c) nine Court minute entries reflecting Court conferences; (d) four Set/Reset Hearings in which the Court scheduled conferences; (e) two Court Remarks; and (f) four entries setting motion deadlines.

The Undersigned understands that many litigation-related activities such as paper discovery and depositions are not reflected by docket entries. Moreover, the Undersigned acknowledges that Plaintiffs' counsel were not easy to deal with in the present matter. The manner in which Plaintiffs' original attorneys chose to litigate then extricate themselves from the case certainly increased the amount of Defendant's attorney time expended defending the case. Not every case runs smoothly and that is the nature of the litigation process. Nevertheless, a careful review of the billing statements leads the Court to conclude that the overall amount billed was excessive and unreasonable. The Court performed a thorough review of Defendant's billing records. However, the billing in this case was so excessive that the attorneys' fees cannot be readily discussed in a line-by-line analysis of the billing records. Notably, it is particularly difficult (and often impossible) to discern the specific amount of time each biller performed per individual task due to counsels' general practice of billing for multiple tasks within time entries. Therefore, after performing an extensive review of the billing statements, the Court grouped the billing entries and considered excessiveness related to the following categories: (1) generally excessive fees; (2) fees based on inter- and intra-firm correspondence; (3) summary judgment fees; and (4) fees for redacted and partially redacted work.³

³ Due to the nature of the billing in the case, many entries could fall into more than one category. In order to avoid duplication, the Court placed each entry into only one category.

A. Generally Excessive Fees

Exhibit B reflects the generally excessive fees billed in the present matter. The excessive fees include multiple instances where more than one attorney from one and/or both firms billed for the same or similar tasks. The billing records reveal:

- From 6/18/09 6/24/09, after beginning but before completing work on the Answer, **JL** (a legal intern) billed 9.8 hours for "Notes regarding Exhibits" and "MEMO regarding Exhibits."
- JTE billed 4.0 hours for attendance at a 9/29/09 conference.
- **PDA** billed 4.25 hours for preparation, travel and attendance at the 9/29/09 preliminary conference.
- **PHS** billed 1.8 hours for attendance at 9/29/09 conference and consultation with PDA re: strategies going forward.
- On 1/12/10 and 1/19/10, **JTE** billed 1.0 hours largely for reviewing a settlement letter draft and other miscellaneous activities.
- From 1/12/10 through 1/19/10, **PDA** billed 13.25 hours to draft and work on a settlement letter and depositions and for various correspondence and emails.
- On 2/2/10, **MO** billed .8 hours to write a letter regarding the change in deposition date.
- From 2/17/10 through 2/18/10, **MO** billed 13.9 hours for the depositions of Al da Silva, Neves and Paredes.
- From 2/16/10 through 2/24/10, JTE billed 41.75 hours for numerous conferences (with PDA, PHS and MO), travel, preparation for depositions, attendance at A. DaSilva, M. Nieves and McGrane depositions and correspondence to the Court.
- From 2/16/10 through 2/24/10, PDA billed 43.5 hours for preparation, travel and attendance at the depositions of Al da Silva, Marco Neves, Milton Rodriguez, Mauricio Leonardo and Stephen McGrane. The bills also reflect emails and conferences (with PHS and "telephone various").
- **PDA** billed 6.0 hours on 3/2/10 to prepare for and attend a settlement conference, scheduling a deposition and emails.
- JTE billed 5.5 hours on 3/2/10 for travel to and from Newark and attendance at court conference, preparation for conference and document review.

- **PHS** billed 2.2 hours on 3/2/10 for case management/settlement conference and "discussion with Peter, Jonathan and Milton."
- From 3/4/10 through 3/31/10, JTE billed 22.5 hours for: numerous conferences and communications (with PDA and PHS), travel, document review, preparation for and attendance at depositions (unspecified) and preparation for C. Glancey and Fonseca depositions.
- From 3/4/10 through 3/31/10, **PDA** billed 35.25 hours for deposition preparation, the depositions of George Mandarakas, Chris Glancey, Carlos Fonseca and Vicky Fonseca. The billings statements also reflect correspondence and "telephone various."
- From 3/24/10 through 3/25/10, **MR** billed 14.5 hours for preparation and review of documents for Chris Glancey's deposition and attendance at Chris Glancey's deposition. The bills also reflect a conference with **PDA** and **JTE**.
- For 4/20/10 and 4/21/10, **JTE** billed 7.0 hours for document review and review of C. Glancey's deposition.
- On 5/20/10, **PDA** billed 3.0 hours to review motion, review and discuss emails, telephone with **PDA**, work on expert report and scheduling of deposition letters.
- On 5/20/10, **MO** billed 1.5 hours for drafting a letter to the Court regarding "Lenny's and Bette's withdrawal and extension for expert witness discovery."
- From 5/20/10 through 5/21/10, **PHS** billed 1.5 hours reviewing, editing, review of revisions and further revisions of letter to Judge Shipp, review of motions to withdraw and correspondence.
- From 5/20/10 through 6/10/10, **JTE** billed 20.75 hours to review moving and reply papers on motions to withdraw from Plaintiffs' counsel, prepare a response to the applications, and revise papers. The bills also reflect numerous conferences and emails (with **PDA**, **PHS** and **MO**).
- From 5/28/10 through 6/11/10, **PDA** billed 5.5 hours for work on expert and attorney motions and to review affidavit, work on response to affidavit, telephone **PHS** regarding reply brief and review a joint letter and discuss with **JTE**.
- On 6/3/10, **MO** billed 1 hour for editing and reviewing affidavit.
- On 7/22/10, **MO** billed 2.2 hours to travel to and from hearing and attending the hearing on the motion to withdraw.

- From 8/30/10 through 9/23/10, **MO** billed 12.6 hours for legal research regarding the motion to dismiss and drafting the motion papers.
- **PHS** billed 1.0 hours for 9/7/10 and 9/21/10 review and revisions to papers regarding motions to dismiss.
- **ESK** billed 16.9 hours from 11/16/10 through 11/22/10 drafting and revising the reply papers to Defendant's motion to dismiss.
- From 11/16/10 through 11/22/10, **PDA** billed 22.75 hours for reviewing papers, working on reply papers to motion to dismiss, to "review changes and assemble drafts," "make final changes," check filing, provide status report and for conference calls with **MO**.
- From 11/17/10 through 11/19/10, **MO** billed 10 hours for drafting, editing and revising the reply brief in support of the motion to dismiss.
- From 11/18/10 through 11/22/10, **PHS** billed 2.1 hours for review and revisions to the reply brief in support of the motion to dismiss.

Defendant's billing counsel are litigation attorneys whose biographical summaries reflect that they are independently capable of defending the matter. (Schafhauser Decl. ¶ 18.) This is not a *pro hac* case in which local counsel is responsible to oversee the proceedings. Partners from both McCarthy Fingar and Herrick Feinstein are listed as lead counsel on the docket. Moreover, each of their biographical blurbs provided to the Court in conjunction with the fee application reflects extensive litigation experience. Defendant had the right to hire two firms, and counsel provided Defendant's reasons for doing so. However, the Court has an obligation to determine the excessiveness of the fees billed

As demonstrated above, multiple attorneys billed for preparation and appearances at depositions and conferences. The generally excessive fees billed also reflect a substantial amount of communication amongst the counsel in the case.⁴ In addition, the billing statements reflect multiple instances of duplicative work. For the reasons stated, the Court finds that the

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⁴ The Undersigned addresses inter- and intra-firm correspondence in Exhibit C below. As previously explained, there is overlap between categories due to the nature of the bills.

time billed by counsel for the various activities set forth in Exhibit B is excessive given counsels' experience and familiarity with the facts of this case. It is not possible for the Undersigned to calculate the exact amount of attorney time billed for the numerous instances of duplicative and overlapping work due to the nature of the billing statements. After careful consideration, the Undersigned finds that the generally excessive fees total \$114,044.75 and that a fee reduction is warranted. The Undersigned recommends a fee reduction of \$79,831.33, representing a 70% reduction of the attorneys' fees billed in this category.

B. <u>Inter-Firm and Intra-Firm Communications</u>

Exhibit C reflects inter- and intra-firm communications. The billing statements demonstrate that counsel spent much of their time communicating within and between their firms. Counsel billed for informal meetings and discussions amongst themselves and each attorney billed separately for many of the same discussions, thereby substantially increasing the attorneys' fees. In addition, the billing statements reflect certain duplicate billings for the exact same tasks.⁵

The billing statements contain a number of entries that solely consist of communications and correspondence within and between firms. These "unbundled" communications/correspondence are reflected in the chart below.

Attorney	Hours	Rate	Total
PHS	8.7	\$425	\$3697.50
JTE	8.25	\$225	\$1856.25
МО	2.6	\$425	\$1105.00

⁵ For example, the 2/01/10 Herrick billing statement reflects two .5 time entries for "Telephone call with Peter re: Glancey call and deposition; telephone calls to Glancey and follow-up telephone call with Peter."

KD	.25	\$375	\$93.75
RCE	.20	\$425	\$85.00
MR	.25	\$225	\$56.25
Total:	20.25		\$6,893.75

The Undersigned recommends a reduction of attorneys' fees for 100% of the above entries, totaling \$6,893.75.

The attorneys for both firms generally "bundled" their billing entries and included multiple individual tasks per time entry. The billing records for these "bundled" activities reflect:

- On 6/15/09, JL billed 2.5 hours for "conference with Peter Aufrichtig" and file review.
- From 9/18/09 through 6/16/10, **JTE** billed 75.5 hours in forty-five entries (in addition to the 8.25 hours noted in the chart above). Forty-five out of forty-five time entries for the bundled work include one or more references to reviewing, sending and/or receiving emails from other counsel in the case and/or conferences with other counsel in the case. The entries also reference other tasks, including: reviewing the file; preparing and revising interrogatories; research; preparing a memo regarding Plaintiff's first set of interrogatories and document production request; reviewing documents; preparing responses to interrogatories and requests for production of documents; reviewing lease documents; reviewing opposing counsel's discovery requests; analyzing financial documents, preparation for depositions; further preparation for depositions; preparation for settlement conference; reviewing depositions; and preparing letter to the Court.
- From 6/9/09 through 10/10/10, **PDA** billed 109.5 hours in fifty entries. Most of the fifty entries for the bundled work in this category include one or more references to "email from," "email to," "email with," "conference with," "telephone with," "discuss with," "work on . . . with," and/or "coordinate . . . with" various counsel within and between the two firms. The entries also reference other tasks, including: reviewing papers; forwarding papers; reviewing letters; coordinating activities; reviewing filings; working on answer; follow up; work on initial disclosures; reviewing letters; consider and get partners' input; consider appropriate response to late filing of discovery by Plaintiffs; review discovery; revise draft letter; review comments regarding a letter; consider documents; review

Plaintiffs' responses to discovery; "work on getting documents"; "coordinate search through my documents"; work on discovery responses for documents and interrogatories; review documents; deal with confidentiality order issue; work on Notices of Deposition; work on documents requested of deponents; work on scheduling; discussions regarding deposition notices; work on scheduling of depositions; deposition prep.; work to rescheduling depositions after cancelling depositions; preparation for settlement conference; review letter; and draft letter.

- On 10/5/09, **RMR** billed 1.50 hours for a conference with Peter D. Aufrichtig, Kathleen Donelli and Joseph P. Harrington.
- From 2/9/10 through 12/22/10, **MO** billed 5.3 hours (in addition to the 2.6 hours referenced in the chart above). Most of the fifteen entries for the bundled work in this category include one or more references to telephone conferences with, "talking with," emails to and from and correspondence to and from other counsel in the case. The other tasks referenced by the entries include: "confirming depositions are going forward tomorrow; emailing [other counsel] and requesting a court reporter"; checking to see if plaintiffs filed opposition; and reviewing order on motion to dismiss.
- From 4/20/09 through 5/11/11, **PHS** billed 38.0 hours (in addition to the 8.7 hours referenced above). Many of the entries in this category refer to "correspondences," calls and telephone conferences. The other tasks referenced by the entries include: review of court docket to ascertain status; review and consideration of draft initial disclosures; review of notice of appearance; review and revision of joint letter; "review of Armur's discovery responses and outlining of areas of document review"; "review" and "consideration" of a number of various correspondence and documents; "follow-up"; and numerous other "review" and "revision" entries.

A careful review of this matter leads the Undersigned to conclude that the case did not require the extensive correspondence and communications within and between the firms and the duplicative efforts of several attorneys from two firms. As such, the Undersigned recommends a reduction for the bundled entries. Counsel billed a total of \$83,133.75 in activities that include excessive inter- and intra-office communications. While these unbundled time entries also include other tasks, many of those were either duplicative or otherwise excessive. After careful consideration, the Undersigned recommends a \$62,350.31 reduction of attorneys' fees for the

unbundled entries, representing a 75% reduction of attorneys' fees. This results in a total reduction of \$69,244.06.

C. Summary Judgment Briefing

Exhibit D sets forth the fees billed in connection with the summary judgment briefing in this matter. The fees billed by the two firms and their numerous attorneys in connection with the summary judgment briefing are patently disproportionate to the complexity of the work they performed. Defendant's summary judgment moving papers contain a one page Notice of Motion and a one-half page Certification of Service. The Memorandum of Law accompanying the motion includes a: (a) cover page; (b) Table of Contents; (c) Table of Authorities (referencing six cases and one rule); (d) one paragraph Introduction and two paragraph Preliminary Statement; (e) three and one-quarter page Statement of Facts; (e) seven page Legal Argument; (f) one paragraph Conclusion; and (g) three page, fifteen item Declaration with thirteen exhibits. Defendant also submitted a five page, twenty-seven item Statement of Material Facts and a proposed form of Order.

The Undersigned understands that counsel must comply with the page limit requirements provided in the Local Civil Rules and that length does not necessarily equate with complexity. However, it is clear from a review of the motion papers that this contract dispute was not particularly complex. As of Judge Chesler's denial of Defendant's motion to dismiss, Defendant had already been "waiting six months to file a motion for summary judgment." (Order Denying Motion to Dismiss, December 22, 2010.) In fact, the billing statements reflect that Defendant started to draft the arguments for its summary judgment brief as early as January 29, 2010.

⁶ 1/29/10 PHS billing entry provides, "Drafting of brief points on summary judgment standard and on leases/contracts enforced as written, etc.; correspondence to Peter re: same."

Counsel billed the following number of hours in connection with the summary judgment moving papers:

MO: 57.3 hours
PDA: 43 hours
KMS: 14.5 hours
PHS: 3.9 hours
TMB: .9 hours

The bills submitted in relation to the summary judgment moving brief include substantial hours of: "work," "continue to work," "preparation," "drafting," "continue drafting" and "review." The bills also reflect numerous communications within and between attorneys in the two firms. The Court finds that 119 hours of attorneys' fees is excessive in light of counsel's experience and given the fact that the briefing was not extensive or complex. Based on a consideration of the billing statements, the substance of the summary judgment motion papers and accompanying exhibits, as well as the development of the litigation as a whole, the Undersigned finds that 119 hours and \$48,846.50 of billings in connection with Defendant's summary judgment moving papers are unreasonable.

Defendant's counsel billed **95** hours in conjunction with review of Plaintiffs' summary judgment opposition papers and preparation of Defendant's summary judgment motion reply, which is similarly unreasonable. The hours break down as follows:

PDA: 40 hours MO: 29.3 hours KMS: 20.5 hours PHS: 5.2 hours

In order to draft its summary judgment reply brief, Defendant's counsel needed to review and consider Plaintiffs' summary judgment opposition papers. The opposition papers were not extensive and included a: (a) cover page; (b) Table of Contents; (c) Table of Authorities (referencing eight cases and one Treatise); (d) introductory paragraph and one paragraph

Preliminary Statement; (e) two page (twenty-seven item) Reply to Defendant's Statement of Material Facts; (f) two and one-half page Counter Statement of Facts; (g) five page Legal Argument; and (h) three and one-half page (twenty-six item) Declaration with eleven Exhibits.⁷

Defendant's summary judgment reply papers consist of a: (a) cover page; (b) Table of Contents; (c) Table of Authorities (referencing seven cases and one statute); (d) one sentence Introduction and one sentence Statement of Facts incorporating the Statement of Facts submitted in support of its summary judgment motion; (e) eleven page Legal Argument; (f) one paragraph Conclusion; and (g) a twelve page Reply Statement of Material Facts. While the reply papers were well-drafted, they did not reflect any particularly complicated or novel legal arguments and resembled the average summary judgment reply papers.

The billing statements submitted in connection with review of the Plaintiffs' opposition brief and drafting of Defendant's summary judgment reply brief also include substantial hours of: "work," "continue to work," "preparation," "drafting," "continue drafting" and "review." Furthermore, the bills also reflect numerous communications within and between attorneys in the two firms. After careful consideration, the Undersigned finds that the **95 hours**, resulting in \$37,812.50 billed, reflects a collective effort far beyond what the case warranted.

In total, the billing statements reflect \$86,659.00 of attorneys' fees in connection with the summary judgment briefing in this matter. The Undersigned finds this to be unreasonable in light of the relevant factors, and accordingly, a reduction in attorneys' fees related to the

⁷ The exhibits themselves consisted of: (1) 1/16/08 proposed term sheet; (2) e-mail messages between Peter D. Aufrichtig, Esq. and Bette Grayson, Esq.; (3) copy of e-mail messages regarding the bathrooms; (4) copy of e-mail messages regarding the store front; (5) e-mail message between Peter Aufrichtig, Esq. and Bette Grayson, Esq.; (6) copy of HVAC specifications; (7) copy of an e-mail message regarding vestibule revisions; (8) and (9) copies of e-mail messages regarding fiber optic installation; (10) copy of Banco's termination letter; and (11) copy of lease between Armur and Banco.

summary judgment motion is warranted. *See Garden State Auto Park Pontiac GMC Truck, Inc.*v. Elec. Data Sys. Corp., 31 F. Supp. 2d 378, 385 (D.N.J. 1998) (finding summary judgment fees of \$20,991.45 for 243.75 hours of legal work to be "excessive in light of the relatively simple legal and factual basis for the motion," and warranting a 50% reduction in summary judgment billings, to \$10,495.75). Based on a careful consideration of the legal and factual basis of this motion and a consideration of the fees charged, the Court finds it appropriate to recommend a deduction of 60% of the total billings in connection with summary judgment pleadings, or \$51,995.40.

D. Redacted Time Entries

Exhibit E reflects Defendant's billing entries for numerous tasks which were logged using partially or completely redacted descriptions.⁸ The hours break down as follows:

PDA:	91.5 hours
MO:	19.6 hours
MR:	12.0 hours
PHS:	7.5 hours
JTE:	7.0 hours
RHG:	6.0 hours
RMR:	1.75 hours
HB:	1.5 hours
KD:	1.5 hours
TMB:	1.5 hours
JJB:	1.0 hour
JPH:	1.0 hour
PP:	1.0 hour

Many of the time entries with redactions also include services that are at least partially discernible. However, even many of the discernible portions of the billing entries consist of

While a deduction of all time with redacted descriptions is improper due to the privileged nature of certain communications, the Court will "exclude from the lodestar those entries for which the redaction is so pervasive that it is simply impossible to determine 'the nature of the services for which compensation is sought." *Schiffer Publ'g, Ltd. v. Chronicle Books, LLC*, No. Civ. 0003-44444962, 2005 WL 1244923, at *9 (E.D. Pa. May 24, 2005) (quoting *Lindy Bros. Builders, Inc. v. Am. Radiator & Standard Sanitary Corp.*, 487 F.2d 161, 167 (3d Cir. 1973)).

inter- and intra-firm communications and correspondence and represent duplicative efforts, areas that the Court also finds excessive. Defendant's counsel collectively billed **152.85** hours and **\$60,000** in attorneys' fees for partially redacted, duplicative and otherwise excessive work.

After careful consideration, the Undersigned recommends a deduction of **\$39,000**, representing a 65% reduction for this category.

E. Total Deductions

Category	Deduction		
Generally Excessive	\$79,831.33		
Inter-Firm and Intra-Firm Correspondence (and otherwise duplicative/excessive)	\$69,244.06		
Summary Judgment	\$51,995.40		
Redacted/Partially Redacted (and otherwise duplicative/ excessive)	\$39,000.00		
Total:	\$240,070.79		

Under the Court's discretion in awarding attorneys' fees, and pursuant to the aforementioned authorities, the Undersigned has calculated a \$240,070.79 reduction as set forth above. Subtracting that amount from the \$512,631.22 attorneys' fees originally requested, the total amount the Undersigned recommends be awarded is \$272,560.43.

III. CONCLUSION

The Court has carefully reviewed and considered Defendant's Fee Certification and accompanying billing statements, Defendant's arguments in support of its position, and the relevant factors, and finds that an award of \$272,560.43 is the reasonable amount of attorneys'

fees that the Court should award Defendant. For the reasons set forth above, the Undersigned respectfully recommends that the Court award Defendant \$272,560.43 in attorneys' fees.

s/ Michael A. Shipp HONORABLE MICHAEL A. SHIPP UNITED STATES MAGISTRATE JUDGE

EXHIBIT A

DOCKET SHEET

Of the 67 numbered entries, Defendants' actions are listed below:

Date	Doc. No.	Item
6/09/09	1	Notice of Removal by BANCO DO BRASIL
6/09/09	2	Corporate Disclosure Statement by BANCO DO BRASIL
6/11/09	3	Notice of Appearance by Paul Schafhauser on behalf of BANCO DO BRASIL
6/11/09	4	Certificate of Service re: Notice of Appearance & Notice of Removal by BANCO DO BRASIL
6/12/09	5	Notice of Appearance of Peter Aufrichtig by BANCO DO BRASIL
6/30/09	6	Answer to Complaint and Counterclaim by BANCO DO BRASIL
9/25/09	9	Letter from Paul Schafhausher with attached Joint Discovery Plan by BANCO DO BRASIL
12/22/09	13	Letter from Paul Schafhauser enclosing proposed Confidentiality Stipulation and Order by BANCO DO BRASIL
2/11/10	15	Letter from Paul Schafhauser to the Court on behalf of BANCO DO BRASIL
2/19/10	16	Letter from Paul Schafhauser to the Court on behalf of BANCO DO BRASIL
3/05/10	21	Letter from Paul Schafhauser to the Court on behalf of BANCO DO BRASIL
3/10/10	22	Letter from Paul Schafhauser to the Court on behalf of BANCO DO BRASIL
3/21/10	24	Letter from Paul Schafhauser to the Court on behalf of BANCO DO BRASIL
3/23/10	25	Letter from Paul Schafhauser to the Court on behalf of BANCO DO BRASIL
5/21/10	29	Letter from Paul Schafhauser to the Court on behalf of BANCO DO BRASIL
6/07/10	32	Response in Opposition to motion to withdraw as counsel by BANCO DO BRASIL
6/11/10	34	Letter regarding the scheduling of expert discovery on behalf of BANCO DO BRASIL
6/11/10	37	Letter from Paul Schafhauser to the Court on behalf of BANCO DO BRASIL
6/21/10	38	Letter from Paul Schafhauser to the Court on behalf of BANCO DO BRASIL
9/23/10	41	Motion to dismiss by BANCO DO BRASIL
10/08/10	43	Letter from Paul Schafhauser on behalf of BANCO DO BRASIL
10/29/10	46	Letter from Paul Schafhauser on behalf of BANCO DO BRASIL
1/03/10	48	Letter from Paul Schafhauser on behalf of BANCO DO BRASIL
1/22/10	52	Reply brief to motion to dismiss by BANCO DO BRASIL

12/23/10	54	Letter from Paul Schafhauser on behalf of BANCO DO BRASIL		
1/12/11	57	Motion for summary judgment by BANCO DO BRASIL		
2/03/11	60	Letter from Paul Schafhauser to the Court on behalf of BANCO DO BRASIL		
2/07/11	61	Summary judgment reply brief by BANCO DO BRASIL		
5/05/11	64	Motion for attorney's fees by BANCO DO BRASIL		
9/12/11	67	Letter from Peter Aufrichtig to the Court on behalf of BANCO DO BRASIL		

Of the 67 numbered entries, Plaintiffs' actions are listed below:

Date	Doc.	Item	
	No.		
7/31/09	8	Answer to counterclaim	
10/21/09	11	Notice of appearance of Leonard A. Peduto, Jr.	
10/30/09	12	Letter from Leonard A. Peduto	
2/22/10	17	Letter from Leonard A. Peduto	
2/25/10	18	Letter from Leonard A. Peduto	
3/5/10	19	Letter from Leonard A. Peduto	
5/13/10	26	Letter from Leonard A. Peduto	
5/20/10	28	Motion to withdraw as counsel (Leonard A. Peduto)	
5/21/10	30	Motion to withdraw as counsel (Bette Grayson)	
6/10/10	33	Reply to motion to withdraw as counsel	
6/14/11	36	Reply to motion to withdraw as counsel	
6/15/10	35	Letter from Leonard A. Peduto	
10/8/10	42	Letter from Carlos DaFonseca and Frank Paredes	
10/28/10	45	Certification in opposition to motion to dismiss	
11/11/10	50	Certification in opposition to motion to dismiss	
1/26/11	59	Brief in opposition to summary judgment motion	
9/8/11	66	Letter from Plaintiff's counsel	

Finally, the 67 numbered entries consist of the following activities of the Court:

Date	Doc.	Item
	No.	
7/15/09	7	Order setting initial scheduling conference
9/29/09	10	Pretrial Scheduling Order
12/30/09	14	Confidentiality Stipulation and Order
3/5/10	20	Discovery Order
3/15/10	23	Order
5/17/10	27	Text Order granting Plaintiffs' counsel leave to file a motion to withdraw as counsel
5/24/11	31	Text Order granting Plaintiffs' counsel leave to file a motion to withdraw as counsel
7/16/10	39	Text Order scheduling conference

7/22/10	40	Order granting motion to withdraw as counsel
10/18/10	44	Order denying 30-day extension to retain new counsel
11/1/10	47	Text order scheduling conference
11/3/10	49	Text order adjourning conference
11/8/10	51	Order setting conference
12/22/10	53	Opinion & Order denying Defendant's motion to dismiss and granting
		Defendant leave to file summary judgment motion
1/3/11	55	Text order setting conference
1/11/11	56	Text order setting summary judgment briefing schedule
1/26/11	58	Substitution of attorney
4/5/11	62	Opinion
4/5/11	63	Order granting motion for summary judgment
8/15/11	65	Text order scheduling oral argument on motion to withdraw as counsel

EXHIBIT B

GENERALLY EXCESSIVE

McCarthy Fingar

Date	Biller	Activity	Hours	Rate	Total
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Virenmana.	and the second second	opposition to motion to dismiss;	na nie	Vill invermel-plays	
11/16/10	ESK	Review documents	4.0	\$225	\$900
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	A. Calaban and A. Cal	support of motion to dismiss;	миниченнойный	Mary and an artist of the state	
11/17/10	ESK	Conference with Peter Aufrichtig	5.0	\$225	\$1125
		Conference with Peter Aufrichtig	Section 1		
		re: reply to opposition to motion	Parameter and the second		
11/18/10	ESK	to dismiss	.40	\$225	\$90
		Revise Memo of Law and Reply;	To make the state of the state	The state of the s	
	e e e susania	Conference with Peter Aufrichtig	Wedieven	month of philosophic states and	
11/19/10	ESK	and Mike O'Malley	3.0	\$225	\$675
11/21/10	ESK	Revisions on memo of law	2.5	\$225	\$562.50
		Conference with Peter Aufrichtig	Profitantian		
		and Paul from Newark, finish	менна убложе	of immediately	
11/22/10	ESK	draft of memo of law	2.0	\$225	\$450
			16.9		
6/18/09	JL	Notes regarding Exhibits.	1.5	\$175	\$262.50
6/22/09	JL	MEMO regarding Exhibits.	1	\$175	\$175.00
6/23/09	JL	MEMO regarding Exhibits.	3	\$175	\$525.00
6/24/09	JL	MEMO regarding Exhibits.	4.3	\$175	\$752.50
			9.8		
		Attendance at Federal District	7.0		
		Court in Newark, NJ with Peter	ddalarys 6 Granus	ALLA ALLA ALLA ALLA ALLA ALLA ALLA ALL	for the second s
		D. Aufrichtig and Paul	Aldriverse	winderstate the second	
		Schafhauser re: Newark	очна вызака, фу	rigurumaaaaaaa	di di
	97-галалан	litigation. Conference with Peter	PERFECCIONAL	anning property and	consisting
	Para Para Para Para Para Para Para Para	D. Aufrichtig and Paul	0000 Opphan Asian	пального	reasonascoppy
9/29/09	JTE	Schafhauser.	4.0	\$225	\$900
***************************************		Reviewed Settlement Letter			7700
	Р Динковальная.	draft; Email from Peter D.	National Observator	-	MANYYON ISIS KARANA
1/12/10	JTE	Aufrichtig.	0.25	\$225	\$56.25

1/19/10	JTE	Conference with Peter D. Aufrichtig; Emails from P. Schafhauser, M. Rodriguez, and Y. Padilla; Reviewed C. Glancey Subpoena and Notice of Deposition; reviewed draft settlement letter.	0.75	\$225	\$168.75
	est proprieta de la constanta		1.0	disciples manuscript a source	
		Conferences with Peter D. Aufrichtig; Travel to and from Newark, New Jersey; Attendance at A. DaSilva and M. Neves Depositions; conferences with P.	1.0		
2/16/10	JTE	Schafhauser and M. O'Malley at Herrick Feinstein, LLP.	9.5	\$225	\$2,137.50
	ere refer del la calamanta principal del managarque popo	Preparation for F. Paredes Deposition; Document review; Conferences with Peter D.			42,127.20
2/17/10	JTE	Aufrichtig. Conferences with Peter D.	7.25	\$225	\$1631.25
2/18/10	ЈТЕ	Aufrichtig; Conferences with P. Schafhauser and M. O'Malley (Herrick Feinstein); Travel to and from Newark, NJ; Attendance at F. Paredes Deposition.	12	\$225	\$2,700.00
		Attendance at Depositions of Banco employees; emails from P. Schafhauser; Telephone dall from M. O'Malley; Conferences with Peter D. Aufrichtig; Reviewed Notice of Motion, Proposed Order, Certification of Motion, and Letter to Magistrate Judge Shipp re: AEO			
2/19/10	JTE	designation Conferences with Peter D. Aufrichtig; Travel to and from S. McGrane Deposition; Attendance at McGrane Deposition; Preparation for	4.0	\$225	\$900
2/24/10	JTE	Fonseca Depositions.	9.0	\$225	\$2025
			41.75		

		Conferences with Peter D.			
		Aufrichtig; Travel to and from			
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pi in in individual and	The state of the s	Newark, NJ; Attendance at court	30 00 00 00 00 00 00 00 00 00 00 00 00 0	and an address of the second o	
		conference; Preparation for Court	-	PRAAAAAAA WAXA	
3/2/10	JTE	conference; Document review.	5.5	\$225	\$1237.50
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3/4/10	JTE	reviewed letter to Magistrate	4.75	6005	61000.75
3/4/10	JIC	Judge Shipp.	4.75	\$225	\$1068.75
Contraction Assembly (Principles of the Contraction Assembly)	AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA	Preparation for Deposition; travel to and from deposition;	ntermassepelalarin		
The Annual Property and An	and the second s	Attendance at Deposition;			
WAAA Aules doll oo ge		Conference with Peter D.	ili di	With the commence of the comme	
3/16/10	JTE	Aufrichtig.	6.5	\$225	\$1.462.50
3/10/10	JIL	Conferences with Peter D.	0.5	\$223	\$1462.50
An individual of the control of the		Aufrichtig; Emails to Peter D.	Olivina analysis and a second	Pintanio managaman ana ana ana ana ana ana ana ana ana	
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	-	Peter D. Aufrichtig; Document		MANAPAPOINTERES	
	Vine and a second	review; Preparation for C.	minus separation de la company	and the second s	
3/24/10	JTE	Glancey Deposition.	4	\$225	\$900.00
		Conference with Peter D.		9223	\$700.00
		Aufrichtig; E-mail to Peter D.	пинанала (444)	Production of the Control of the Con	0.0000
The state of the s		Aufrichtig; Email from Peter D.	40 Victoria de la Carte de la		Africal
		Aufrichtig; Preparation for	Redebologumovas		ma-p-population
3/29/10	JTE	Fonseca Depositions	2.5	\$225	\$562.50
		Conferences with Peter D.		322	4302.30
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en e	de la constitución de la constit	Peter D. Aufrichtig; Travel to	de d	of transaction of the state of	
Andrew An	on digraphy spaling	and from depositions in Newark,		First districts change	
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3/31/10	JTE	Newark, NJ	4.75	\$225	\$1068.75
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		Reviewed C. Glancey's		na-monolalary et a	, passanaa-2000
		deposition; Document Review;	sisseninhoon	H-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	од дамаламичн
		Reviewed photographs from C.	Authorities de la companya de la com		Piritheliada
1/20/10	* CTO * C	Glancey re: 158-160 Ferry Street,			diservicenten
4/20/10	JTE	Newark, NJ.	4	\$225	\$900.00
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4/21/10	JTE	deposition.	3	\$225	\$675.00
*	/	G G 11 5 1 5	7		
5/00/10	ran	Conference with Peter D.		****	
5/20/10	JTE	Aufrichtig; Emails from Peter D.	1.25	\$225	\$281.25

		The second secon	Aufrichtig and P. Schafhauser; Reviewed Lenny Peduto Esq.'s Affidavit re: withdrawal as counsel.			
вия в веретительного менера принеской поставления по поставления по поставления по поставления в поставления в	5/21/10	JTE	Emails from Peter D. Aufrichtig, P. Schafhauser, and M. O'Malley; Reviewed motion papers from Attorney Bette R. Grayson re: withdrawal; Legal research.	1.5	\$225	\$227.50
	3/21/10	JIE	Emails from Peter D. Aufrichtig and P. Schafhauser; Document review; Preparation of papers opposing Attorney Peduto and Attorney Grayson's motion to withdraw as plaintiffs' co-	1.5	\$225	\$337.50
	5/26/10	JTE	counsel.	3.75	\$225	\$843.75
		The second and the se	Preparation of response to Attorneys Peduto and Grayson's applications to withdraw as counsel; E-mail to Peter D.			
	5/27/10	JTE	Aufrichtig; Document review.	3.50	\$225	\$787.50
MARKATANA PROTESTINING COLORESTAN POR STANDAR MARKATANA ANALYSIS		emining objects and makes the common and the common	Revised court papers opposing Attorney Peduto's and Attorney Grayson's motions to withdraw as plaintiffs' counsel; E-mail to			
-	5/28/10	JTE	Peter D. Aufrichtig.	1.25	\$225	\$281.25
on official desirence and the contraction and the first brown remarkation in property and the contraction			Conference with Peter D. Aufrichtig; Emails to Peter D. Aufrichtig; Emails from Peter D. Aufrichtig; Revised opposing papers to Attorney Grayson's and Attorney Peduto's motions			
	6/1/10	JTE	to withdraw; document review.	4.25	\$225	\$956.25
AND THE PROPERTY OF THE PROPER			Emails to and from Peter D. Aufrichtig; Conferences with Peter D. Aufrichtig; Document review; Further revisions to court papers opposing Attorney Peduto's and Grayson's motions			
	6/2/10	JTE	to withdraw as co-counsel.	3.0	\$225	\$675
			Emails to and from Peter D. Aufrichtig, P. Schafhauser, and M. O'Malley; Document review; Revised court papers opposing			
	6/3/10	JTE	Attorney Peduto's and Attorney	1.5	\$225	\$337.50

		Grayson's motions to withdraw			
		as counsel.			
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6/10/10	JTE	Attorney L. Peduto.	.75	\$225	\$168.75
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3/24/10	MR	Chris Glancey deposition.	4	\$225	\$900.00
		Preparation of Deposition;			
	м	Attendance at Deposition of	A) III A	Anadyvoldenss	
3/25/10	MR	Chris Glancey in Newark, NJ	10.50	\$225	\$2362.50
			14.50		
		Preparation, travel and	17.00		
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9/29/09	PDA	client	4.25	\$425	\$1912.50
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1/12/10	PDA	Schafhauser.	2	\$425	\$850.00
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- Communication		letter, emails and telephone with	**************************************	La action of the control of the cont	warmen and an analysis of the state of the s
	nn .	Paul Schafhauser and email with			The second secon
1/14/10	PDA	Milton Rodriguez.	2.25	\$425	\$956.25
		Work on depositions and	Market D. C.	- Systematic and a state of the	Tanana and a said a
		settlement letter and review		Special and a sp	
1/18/10	PDA	Danco documents for deposition.	5.5	\$425	\$2,337.50
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1/19/10	PDA	telephone with Paul Schafhauser regarding REDACTED.	3.5	\$425	\$1.497.50
1/17/10	IDA	regarding REDACTED.	3.3	0423	\$1,487.50
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		Prepare for conference, review			
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**************************************		deposition notices, detailed	Analogy project		
1/26/10	PDA	report letter to Milton.	4	\$425	\$1.700.00
1/20/10	1 1021	Prep, travel, and depositions in	7	3423	\$1,700.00
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2/16/10	PDA	Paredes.	**************************************	6425	\$4.675.00
2/10/10	IDA	Prepare Brauna and Milton for	11	\$425	\$4,675.00
		deposition at White Plains office,		маалаамерүүгү	
	Anna Anna Anna Anna Anna Anna Anna Anna	emails with Lenny and Paul		rillementors and a final state of the state	
naoo madalabari		Schafhauser, prep for Paredes	d-Management	00-00-00-00-00-00-00-00-00-00-00-00-00-	
2/17/10	PDA	deposition with Jonathan	6.5	6405	#27/C2 C0
2/1//10	IDA	· · · · · · · · · · · · · · · · · · ·	6.5	\$425	\$2762.50
паложения (ф. дер.)	and the second	Travel and deposition of Frank Paredes in Newark, emails and		The second of th	
2/18/10	PDA		13	¢405	Ø5 100 00
2/10/10	IDA	telephone various regarding case.	12	\$425	\$5,100.00
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red distribution of the state o	O'CONTRACTOR OF THE CONTRACTOR	emails with Paul Schafhauser	e de fact ever excession	M A Principal Companies	respiratore
2/19/10	DDA	emails with Brauna and Milton,			and the state of t
2/19/10	PDA	review documents	6.0	\$425	\$2550
		Deposition of Stephen McGrane	And all the of location	0000	Production
2/24/10	DDA	in New York and travel, report to		*	
2/24/10	PDA	client	8.0	\$425	\$3400
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		Preparation for settlement and	43.5		
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2/2/10	DDA	deposition and report email to	o received and a second		
3/2/10	PDA	Milton and Brauna	6.0	\$425	\$2550
		Work on discovery and	and the same of th		THE RESIDENCE OF THE PARTY OF T
OTHER DESIGNATION OF THE PROPERTY OF THE PROPE		deposition prep, email draft of		an and delicated pings	
при		Milton's deposition transcript to	WHITE ALLEGATION AND AND AND AND AND AND AND AND AND AN		
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rodentenheda		telephone various, preparation		- Proposition	THE SALES AND ADDRESS OF THE SALES AND ADDRESS
Антинический		with Brauna for his deposition	(Memberson	tratisferonoments	d-managaries
2/1/10	DD:	and Brauna deposition at		diadamento y y y y y	- Company Control of C
3/4/10	PDA	McCarthy Fingar White Plains	6.5	\$425	\$1462.50

		Deposition of George			
3/16/10	PDA	Mandarakas in Murray Hill, NJ	6.5	\$425	\$2762.50
O Constitution of the Cons	Aspelanopoliusiana	Prep for Glancey Deposition		mineron a acida pel pagg	
3/24/10	PDA	with Jonathan and Michael Riolo.	4	\$405	£1.700.00
3/24/10	IDA	Deposition of Chris Glancey and	4	\$425	\$1,700.00
3/25/10	PDA	travel to Newark	11.00	\$425	\$4675
				<i>\$ 120</i>	\$1075
3/29/10	PDA	Prep for Fonseca deposition	2.25	\$425	\$956.25
nonata and depression of the contract of the c		Prepare, travel and take	m-a-a-a-a-a-a-a-a-a-a-a-a-a-a-a-a-a-a-a	and the second s	
100 MANANANANANANANANANANANANANANANANANANAN		depositions of Carlos and Vicky	mu namendologia (Ada	nii e e e e e e e e e e e e e e e e e e	
3/31/10	PDA	Fonseca in Newark, speak with Chris Glancey	5.0	6425	60105
3/31/10	IDA	Cinis Grancey	5.0	\$425	\$2125
			35.25	OCCUPATION OF THE PROPERTY OF	
	Parisonia municipa par	Review emails and motion from			
The second secon	e de Williams	Lenny and Bette letter, discuss			
		with Milton in NY and emails		Web to by Principle produce to the control of the c	
		and telephone with Paul	Maria de Servicio de Artes	namental statistica con	
manowani), i projection de la constanta de la		Schafhauser in connection with	d of the same of t	Of Ad de browness	
		response, Work on expert Karu	THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF TH	Andrew Marie	
		report and scheduling of deposition letters with Paul and		Fine Printer and Control of Contr	
5/20/10	PDA	Jonathan Engel	3.0	\$425	\$1275
3/20/10	1 15/1	Work on expert and attorney	3.0	9423	\$1273
5/28/10	PDA	motions and review affidavit	2.0	\$425	\$850
		Review Lenny's affidavit,			9020
Account to the state of the sta		discuss with Paul, work on	Manifester	niero manamenta	and and opposite the state of t
	Physical Company (1997)	response to Lenny's affidavit	demokratisky ky		A. maradaj, p _e nis
		with Jonathan and Paul	or-constrainment and a	and the second	
6/10/10	PDA	Schafhauser	2.25	\$425	\$956.25
		Telephone Paul Schafhauser	Lutyphywoolaa	proposition in the contraction of the contraction o	
		regarding response to Lenny's	massifundeeries	TETRE MILITARIA MALATANA	name of the control o
6/11/10	DEVA	Reply brief, review draft letter			
6/11/10	PDA	and discuss with Jonathan Engel	1.25	\$425	\$531.25
		Work on response with Leeza,	5.50		
		review papers, conference call	-christian should not be seen as a seen a seen as a seen	aleksakiliterakilor	reference.
NOAP NEIGHANNIA AND AND AND AND AND AND AND AND AND AN		with Paul Schafhauser and Mike	action of the state of the stat	осоргальнала	in free for the same as
11/16/10	PDA	O'Malley	4.0	\$425	\$1700
de la constanta de la constant		Work on Reply to Motion to			
11/17/10	PDA	Dismiss	2.0	\$425	\$850
and the state of t	WYPOTI I LABORATO	Work on Reply Brief, review			The state of the s
manyapers pond sida	and depoyability	O'Malley section and modify		1934. постава на 1931. година на 1931. годин	MALAMMATTYPE
11/10/10		and incorporate into draft,	- Andrews - Andr	Will and Address of the Control of t	776 ALLES AND
11/18/10	PDA	discuss with Leeza	2.0	\$425	\$850

		Work on drafting Reply Brief,			
AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA		meet with Leeza and conference	Whiteseams	Kimindosoo	
have been seen as a seen a			TA COMMON		
		call with Mike O'Malley, review	HIROTE AND		
11/19/10	PDA	changes and assemble drafts	6.0	\$425	\$2550
receptables and a second	rine tallone construction	Work on Reply Brief, emails to			
11/20/10	PDA	Schafhauser and Leeza	4.5	\$425	\$1912.50
Anna Anna Anna Anna Anna Anna Anna Anna		Finalize Reply and conference all			
TO SAME AND ADDRESS OF THE SAM		with Newark Counsel, make final		WOODLAND PROJECTION	
		changes and check filing,	violationesse.		
			la rinaaaa quaga	Online was the	
		updated status report to Brauna	0.00	mula decidence de que	
11/22/10	PDA	and Milton	4.25	\$225	\$956.25
			22.75		Port for the Property College (College) (Colle
					\$88,236

Herrick Feinstein

Biller	Activity	Hours	Rate	Total
POPPO	Docketed No. 6 Banco do Brasil,	rozofyti veninalaaaaa	dental and a series and a serie	
indiana managa and	1		ia minina a a a a a a a a a a a a a a a a a	
AAC	Defenses and Counterclaim.	0.1	\$180	\$18.00
	Docketed No. 6 Banco do Brasil			

AAC	Defenses and Counterclaim.	0.1	\$180	\$18.00
		of the second contraction of the second cont	de principal de la companya de la co	
		0.2		
	Assisted atty in preparing to file			
A	a notice of removal in the Dist.	-	dobbyrocom	
**************************************	of NJ; electronically filed notice		m. Made de proprieta	ментально
repressional		Month of the control	remanda de la constanta de la	VALUE DE LA CONTRACTOR
	corporate disclosure stmnt in US		Windowski	Available
ES	Dist. Ct. of NJ.	1	\$230	\$230.00
	Writing a letter to Chris Glancey		3	
MO	re: the change in deposition date.	0.8	\$425	\$340.00
Trever manufacture	Depositions of da Silva and	THE PARTY OF THE P		
MO	Neves	6.3	\$425	\$2677.50
МО	Deposition of Frank Paredes.	7.6	\$425	\$3230.00
mentocommonately		13.9	***************************************	***************************************
	AAC AAC ES MO MO	Docketed No. 6 Banco do Brasil, S.A.'s Answer, Affirmative Defenses and Counterclaim. Docketed No. 6 Banco do Brasil, S.A.'s Answer, Affirmative Defenses and Counterclaim. Assisted atty in preparing to file a notice of removal in the Dist. of NJ; electronically filed notice of removal, civil cover sheet, and corporate disclosure stmnt in US Dist. Ct. of NJ. Writing a letter to Chris Glancey re: the change in deposition date. Depositions of da Silva and MO Neves	Docketed No. 6 Banco do Brasil, S.A.'s Answer, Affirmative Defenses and Counterclaim. Docketed No. 6 Banco do Brasil, S.A.'s Answer, Affirmative Defenses and Counterclaim. 0.1 Assisted atty in preparing to file a notice of removal in the Dist. of NJ; electronically filed notice of removal, civil cover sheet, and corporate disclosure stmnt in US Dist. Ct. of NJ. Writing a letter to Chris Glancey re: the change in deposition date. Depositions of da Silva and MO Neves 6.3 MO Deposition of Frank Paredes. 7.6	Docketed No. 6 Banco do Brasil, S.A.'s Answer, Affirmative Defenses and Counterclaim. Docketed No. 6 Banco do Brasil, S.A.'s Answer, Affirmative Defenses and Counterclaim. O.1 \$180 Docketed No. 6 Banco do Brasil, S.A.'s Answer, Affirmative Defenses and Counterclaim. O.1 \$180 O.2 Assisted atty in preparing to file a notice of removal in the Dist. of NJ; electronically filed notice of removal, civil cover sheet, and corporate disclosure stmnt in US Dist. Ct. of NJ. Writing a letter to Chris Glancey re: the change in deposition date. Depositions of da Silva and Neves MO Deposition of Frank Paredes. 7.6 \$425

		Drafting letter to judge shipp			
and control of the co		regarding Lenny's and Bette's	eventum no ne de	· · · · · · · · · · · · · · · · · · ·	
li de medendan	Si di	withdrawal and extension for	ri ciristalumintada		
05/20/10	MO	expert witness discovery.	1.5	\$425	\$637.50
minotinu sina amaka		Editing and reviewing affidavit			
06/03/10	MO	of P. Aufrichtig.	1.0	\$425	\$425.00
diverse a constant		Travel to and from hearing,			темперия (под под под под под под под под под под
	The state of the s	attending the hearing regarding		di depresentation de la constanta de la consta	
07/22/10	MO	motion to withdraw.	2.2	\$425	\$935.00
	d) re-	Legal research regarding motion	on company of the control of the con	Print was book	
was an analysis of the state of	***************************************	to dismiss in federal court, begin	obligi siram saassa	mbatilise delivery	
		drafting brief in support of	avairie proprieta propriet	naaanmaga ee gaara	
****		motion to dismiss and award	THE PROPERTY OF THE PROPERTY O	400 de Aliminaciono de	
08/30/10	MO	attorney's fees	1.6	\$425	\$680.00
valida annuaran vara		Continue drafting brief in	000 liké di waliombian		
444000		support of motion to dismiss and	minutes of philosophia		
08/30/10	MO	to award attorneys' fees.	1.8	\$425	\$765.00
elitoritari		Continue drafting brief in	1914A-Volidina		
A-A-A-A-A-A-A-A-A-A-A-A-A-A-A-A-A-A-A-	Principal and Pr	support of motion to dismiss and		monate and property of the second	ST.
08/30/10	MO	to award attorneys' fees	2.4	\$425	\$1020.00
	- Andrews Colonial Co	Drafting Certification of P.	000000		
	old Granasana	Schafhauser in support of Motion	**************************************	Policy in construction	аминериороди
		to Dismiss and Award Attorneys'	www.eseroto.com	history of the second	nonina anno acción de la companya de
08/30/10	MO	Fees.	1.5	\$425	\$637.50
		Drafting Notice of Motion for		PERMITA	donational
TO THE REAL PROPERTY.		Motion, Proposed Order, Editing	minoritationies	Well-amount	
		the Brief and supporting	of contraction and the	- Common of the	
08/30/10	MO	documents.	2.3	\$425	\$977.50
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		documents for Motion to Dismiss	Orana minor de la companya de la com		
08/30/10	MO	and to Award Attorneys fees.	.8	\$425	\$340
	Assembly Market State Control	Editing Motion to Dismiss and		we a seminar of the s	THE COMMON ASSAULT
		Award Attorneys fees, updating		troploymussass	ALPY-Y-Programman
08/31/10	MO	the service list.	.7	\$425	\$297.50
		Conforming the Brief in Support	The second secon	пун апаламану.	(Administration of the Control of th
		of Motion to Dismiss to the	ALCO AND	PETRIACALAINA	WHITE
		Federal District of New Jersey	professional (chief	Miletine and miletine	Annumy you see the
08/31/10	MO	Local Rules and making edits.	.5	\$425	\$212.50
		Check PACER for updates to	dilitirate kon a	нинальном	80 A A A A A A A A A A A A A A A A A A A
And a second sec		case and call to P. Aufrichtig	and	HANNE WAS THE STATE OF THE STAT	Processing and Address
interviewe dept.		regarding motion to dismiss and	уууургалагаан	Million of the state of the sta	Management of the Control of the Con
Pentrepowekkin		Armur's inability to retain	et iiiyikana.coc		and control of the co
09/21/10	MO	counsel.	.2	\$425	\$85.00
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09/21/10	МО	Reviewing edits and changes to	1	6405	040.50
07/21/10	IVIU	motion from P. Aufrichtig	.1	\$425	\$42.50

general control of the control of th		Finalizing motion to dismiss, pulling records and accumulating			ntina nurra ama a antina na amana amana na antina n
09/23/10	MO	exhibits for the certification of P. Schafhauser.	ormonement recroiment of the contraction of the con	\$425	\$297.50
	1	Solidina and the solid and the	*/	3443	3291.30
Annual Control of the	the conference of the conferen		12.6	discoverativa primiring begans	
ntainineentalakekojkopol	evronykuruppe spisesen	Begin drafting Reply Brief in further support of motion to			and the second s
11/17/10	МО	dismiss	1.0	\$425	\$425.00
		Drafting Reply Brief in Further			
11/18/10	МО	Support of further Motion to Dismiss.	3.8	\$425	\$1615
		Reviewing Peter and Leeza's			
	Marie Brook di Amazon Marie	portion of the Reply Brief in Further Support of Motion to	AL MACHINE CONTROL OF THE CONTROL OF	non-money (chiquip) populari	
11/19/10	МО	Dismiss.	.8	\$425	\$340.00
eloduli elektroniya kurus	Tanananahan pingapan	Drafting, editing revising and conforming the Reply Brief in	th see investige and operations	THE PROPERTY OF THE PROPERTY O	
11/10/10	110	Further Support of Motion to	COLUMN TO THE PARTY OF THE PART	of debicle designation and the second	,
11/19/10	МО	Dismiss.	4.4	\$425	\$1870.00
			10	Alexander and the minimum and	
		Review of complaint and other	XV		
		papers; revisions to notice of removal to reflect modified	When the state of	obligation of the state of the	Working and the control of the contr
	emprijaloodenindewnaadowa	pleadings; revisions to all papers;	- Sports and a sport of the spo		The second secon
6/09/09	PHS	drafting of CIS and rule 7.1 statement.	2.2	\$425	8025.00
0,07,07	1110	Review and consideration of	4.4	3423	\$935.00
		Bette Grayson brief to Judge Klein; telephone conference with	NA BOOK OP A CALLED CONTROL OF THE STATE OF	na sycurcione control del mare	
		Phil and correspondences to	enterenanderinelt/univers	and personal security control and a security	
6/11/09	PHS	Peter re: same; telephone call with Phil.	0.3	0.405	6107.50
	* * * * * * * * * * * * * * * * * * * *	Review and revisions to letter to	V.3	\$425	\$127.50
6/11/09	PHS	Judge Klein. Review and consideration of	0.2	\$425	\$85.00
19 indeed on the control of the cont		Bette Grayson brief to Judge	depotories of week dates.	Suis) e coopenida e constituir de constituir	concluding places and an annual security of the security of th
n-dajoprojepjenaso-ex-		Klein; telephone conference with Phil and correspondences to	And the second section of the section of t	restrontipabational	manu + 950 ribiditi visitali visita visita visitali visita visitali visitali visital
6/11/09	PHS	Peter re: same.	0.3	\$425	\$127.50
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<u> </u>	······································		0.8		

Case management/settlement conference, pre-conference discussion with Peter, Jonathan and Milton. Review, revisions and further drafting of letter to Judge Shipp re: plaintiffs' 2 motions to withdraw Review of motion for leave to withdraw, correspondence to Peter re: next steps and potential 05/20/10 PHS response Case management/settlement conference discussion with Peter, Jonathan 2.2 \$425 \$9 Review, revisions and further drafting of letter to Judge Shipp re: plaintiffs' 2 motions to \$425 \$9 Review of motion for leave to withdraw, correspondence to Peter re: next steps and potential \$900/20/10 PHS response	35.00 12.50
Peter re: strategies going 9/29/09 PHS forward. Case management/settlement conference, pre-conference discussion with Peter, Jonathan and Milton. Review, revisions and further drafting of letter to Judge Shipp re: plaintiffs' 2 motions to 05/20/10 PHS withdraw Review of motion for leave to withdraw, correspondence to Peter re: next steps and potential 05/20/10 PHS response Peter re: strategies going 1.8 \$425 \$7 \$7 \$425 \$9 \$9 \$1.8 \$425 \$9 \$9 \$1.8 \$425 \$9 \$9 \$1.8 \$425 \$9 \$9 \$1.8 \$425 \$9 \$9 \$1.8 \$425 \$9 \$9 \$1.8 \$425 \$9 \$9 \$1.8 \$425 \$9 \$9 \$1.8 \$425 \$9 \$9 \$1.8 \$425 \$9 \$9 \$1.8 \$425 \$9 \$9 \$1.8 \$1.8 \$1.8 \$1.8 \$1.8 \$1.8 \$1.8 \$1.8	35.00
9/29/09 PHS forward. Case management/settlement conference, pre-conference discussion with Peter, Jonathan and Milton. Review, revisions and further drafting of letter to Judge Shipp re: plaintiffs' 2 motions to withdraw Review of motion for leave to withdraw, correspondence to Peter re: next steps and potential response 05/20/10 PHS response 1.8 \$425 \$7 1.8 \$425 \$7	35.00 12.50
Case management/settlement conference, pre-conference discussion with Peter, Jonathan and Milton. Review, revisions and further drafting of letter to Judge Shipp re: plaintiffs' 2 motions to withdraw Review of motion for leave to withdraw, correspondence to Peter re: next steps and potential 05/20/10 PHS response Case management/settlement conference discussion with Peter, Jonathan 2.2 \$425 \$9 Review, revisions and further drafting of letter to Judge Shipp re: plaintiffs' 2 motions to withdraw .5 \$425 \$2	35.00
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03/02/10 PHS and Milton. Review, revisions and further drafting of letter to Judge Shipp re: plaintiffs' 2 motions to withdraw O5/20/10 PHS withdraw Review of motion for leave to withdraw, correspondence to Peter re: next steps and potential O5/20/10 PHS response 2.2 \$425 \$9	12.50
Review, revisions and further drafting of letter to Judge Shipp re: plaintiffs' 2 motions to withdraw .5 \$425 \$2 Review of motion for leave to withdraw, correspondence to Peter re: next steps and potential 05/20/10 PHS response .2 \$425 \$1	12.50
drafting of letter to Judge Shipp re: plaintiffs' 2 motions to withdraw .5 \$425 \$2 Review of motion for leave to withdraw, correspondence to Peter re: next steps and potential 05/20/10 PHS response .2 \$425 \$3	
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	85.00
Review of Peter's revisions to	
letter, further revisions to letter	
to Judge Shipp, compilation of	
exhibits and finalization of	
05/21/10 PHS objection .6 \$425 \$25	55.00
Review and consideration of	
Bette Grayson's motion,	
05/21/10 PHS outlining of next steps/response .2 \$425 \$8	35.00
1.5	norre nonemana and a pipe pro-
Review and revisions to motion	
papers re: dismissal/attorneys	di esperante di constituti di
fees, correspondence to Peter re:	A constant
	10.00
Review of Peter's changes,	
revisions to Schafhauser	
Certification and correspondence	
to Peter re: same, correspondence	e constantina de la constantina della constantin
with Mike re: filing of papers on	A CONTRACTOR OF THE PARTY OF TH
09/21/10 PHS 9/23 .2 \$425 \$8	5.00
	and Annual Property and An
1.0	and the second
Review and revisions to draft of	local district for the second
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Review and revisions to brief in	
further support of dismissal	a Proprieta de la calcada de l
motion and correspondence with	
11/20/10 PHS Peter re: same .6 \$425 \$25	1

11/22/10	PHS	Further revisions to reply brief, table of contents, table of authorities and finalization of same for filing, review of local rules re: unpublished opinions and confirmation of compliance therewith	.4	\$425	\$170.00
		Further review and revisions to		V742	31/V.VV
11/22/10	PHS	reply brief in light of Peter and Leeza's revisions		\$425	\$170.00
11/22/10	PHS	Further revisions to reply, table of contents, table of authorities and finalization of papers	.4	\$425	\$170.00
			2.1		3170.00
4/24/09	PP	Prepare notices of removal for Banco do Brasil; telephone conference with P. Schafhauser re: same.	4.8	\$425	\$2,040.00
6/11/09	PP.	Prepare and revise notices and certs of service, telephone conference with Ed Strecker re same; telephone conference with judge's law clerk re plaintiff's opposition motion; prepare confirming letter to court that judge would not hear motion.	1.7	\$425	\$722.50
	Managamban 1994 (1995) (1994) (1994) (1994)				The contract of the contract o

\$25,808.50

TOTAL

\$114,044.50